

**STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR**
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

April 2, 2015

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Monday, April 6, 2015
9:05 a.m., Conference Room 211

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**House Bill No. 553, HD1, SD1
Relating to Collective Bargaining**

CHAIRPERSON TOKUDA, VICE CHAIR KOUCHI AND MEMBERS OF THE SENATE
COMMITTEE ON WAYS AND MEANS:

Thank you for the opportunity to provide testimony on H.B. No. 553, H.D. 1, S.D.1.

The purpose of H.B. 553, H.D. 1, S.D.1 is to establish UH graduate students as collective bargaining unit (15) effective 12/31/2016, and to require the director of human resources development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature prior to the 2016 regular session.

The Office of Collective Bargaining (OCB) submits the following **CONCERNS** regarding this bill:

Unlike other career members of a bargaining unit, the University has submitted that a graduate student's employment is temporary and similar to an on-the-job training or apprenticeship training program. The Office of Collective Bargaining concurs that being a graduate student is not a career or profession and there is no long-term expectation of a career

as a graduate student. Instead, it is expected that graduate students will progress in their degree work, obtain their diplomas and seek regular employment in their respective career fields. Graduate students, therefore, are not the same as other bargaining unit members.

Additionally, since mandatory subjects of collective bargaining cover wages, hours, conditions of employment and fringe benefits, all such subjects shall now become negotiable and subject to legislative appropriation pursuant to HRS §89-10(b). Stipends that are currently provided by the University to graduate students could become negotiable cost items along with possible contributions to the Employer-Union Health Benefits Trust Fund and other cost items.

Moreover, establishing UH graduate students as collective bargaining unit (15) would open the flood gates to other groups seeking the same status. For example, student helpers, substitute teachers, state employed lawyers etc., could similarly request collective bargaining rights. This would not only be administratively unwieldy, but would also increase the cost items subject to legislative appropriation.

Finally, the requirement that the director of human resources development establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature would more appropriately be contained in a resolution, not a bill for an act. Furthermore, from a process standpoint, the working group should probably submit their recommendations prior to the establishment of the new collective bargaining unit, not after. Once the collective bargaining unit (15) is established, it will be subject to the provisions of Chapter 89, Hawai'i Revised Statutes.

Nevertheless, should the requirement for a working group move forward, it would be more appropriate for the Chief Negotiator, Office of Collective Bargaining to take the lead in establishing the working group.

Based on the foregoing, OCB respectfully requests that this measure be held.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Before the
Senate Committee on Ways and Means
Monday, April 6, 2015 at 9:05 a.m.
By Dr. Risa Dickson
Vice President for Academic Affairs
and
Kalbert Young
Vice President for Budget & Finance
University of Hawai'i

HB 553 HD1 SD1 – RELATING TO COLLECTIVE BARGAINING

Chair Tokuda, Vice Chair Kouchi, and Members of the Senate Committee on Ways and Means:

We hereby provide the following testimony regarding House Bill 553 HD1 SD1 – Relating to Collective Bargaining which proposes to establish UH graduate student assistants as collective bargaining unit (15) effective 12/31/2016; requires the director of human resources development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature prior to the 2016 regular session. Effective 7/1/2050. The University opposes this measure.

In deliberating on the approach to allow university-employed graduate student assistants to be included for collective bargaining, there are several issues that the Legislature, the University, and the State taxpayers must consider. From an employment perspective, first consider the rationality of requiring the State and University to collectively bargain employment with employed students – in this case, graduate student assistants. The University's graduate student assistants are unlike any other employees of the State. Graduate student assistants are student learners employed as part of their education and training. Graduate student assistants are mentored and supervised by rank 3, 4, and 5 Faculty members who all hold Ph.D.'s and have many years of proven professional competence and experience, including evidence of proficiency in teaching. Part of the role of University mentors is to teach graduate assistants how to engage the disciplinary subject matter with the goal of preparing them to find employment as academic professionals with competitive skills in areas such as research, teaching, database management, etc. A graduate assistantship is a form of on-the-job training or apprenticeship training program. Most faculty have completed a teaching or research assistantship as part of their graduate education. A research assistantship is a time bound activity, lasting only as long as a person is enrolled in a graduate program. There are no long term career opportunities for graduate student assistants at the University.

The duties and assignments of a graduate assistant differs from that of a faculty member. Our faculty members in ranks 3, 4, and 5 who mentor graduate student assistants are professionals required to teach classes and/or develop research programs without active supervision or management oversight. The purpose of an assistantship is to train and mentor a student in to specific skill sets with the explicit goal of increasing their competitiveness as they enter their professional academic career.

Secondly, from a statutory consistency perspective, it doesn't make sense to create a new bargaining unit (15) when the Legislature is proposing to require the Director of Human Resources Development to convene a collective bargaining working group to *"...determine whether graduate student assistants should become members of collective bargaining unit (8) or collective bargaining unit (15),..."* Any amendments to HRS, Chapter 89, is premature at this point, until the working group has an opportunity to explore this issue, as well as, other issues such the mechanism for dispute resolution or impasse procedure and defining recognition, representation, and employee participation under HRS, §89-8. Clarifying that a group of employees belong to an existing bargaining unit versus the creation of an entirely new bargaining unit is significantly different and complex. The prudent decision would be to examine all factors surrounding this issue rather than to rush and make statutory changes that in the end may not be applicable or useful.

Thirdly, the State of Hawai'i and the University of Hawai'i must somberly consider the financial implications of student employees such as graduate student assistants in HRS, Chapter 89, the State's public sector collective bargaining law. There will be significant cost increases for both the University and the State of Hawai'i should the Legislature decide that student assistants are indeed employees with a right to collectively bargain.

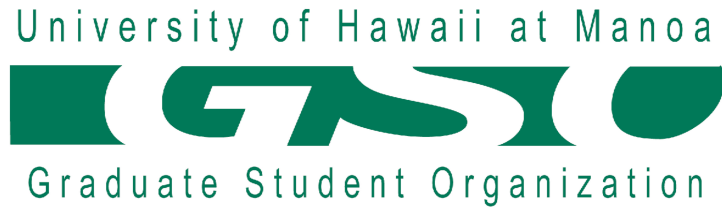
Graduate student assistants of the University are currently compensated via a package that includes a variety of benefits. Current compensation for graduate student assistants varies upon individual circumstances of the student. University graduate student assistants receive tuition waivers that are valued between \$458 to \$1,382 per credit hour, per semester, depending upon their residency status. Factors such as whether the student is a Hawai'i resident or non-resident will increase the value of the tuition waiver benefit. For example, full time resident graduate student tuition ranges between \$5,500.00 to \$9,000.00 per semester while non-resident tuition ranges between \$13,400.00 to \$16,600 per semester. Graduate student assistants may also receive a monetary stipend that can vary by the educational program in which they are enrolled. The current level of compensation is a significant cost to the University and a significant amount of the financial assistance provided to graduate student assistants.

Because mandatory subjects of bargaining includes wages, hours, conditions of employment and fringe benefits, all such subjects shall now become "cost items" subject to legislative appropriations pursuant to HRS, §89-10(b). For example, membership in the State Employees' Retirement System as provided to employees in Chapter 88, HRS, may add pension contribution costs to the State and employee. As with other bargaining unit members, enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University for contributions, and to the State for total liability of the system. Additionally, all compensation collectively bargained for can be treated as wages that will be subject to employment and income taxes – an issue graduate assistants may not be considering as it relates to tuition waivers.

The Legislature must consider the additional expenses incurred above the current operational costs in the creation of a 15th bargaining unit. Adding collective bargaining components to graduate student assistants, who are first and foremost students and employed as an extension of their student experience at the University, will increase State general fund demand while simultaneously increasing University operational expenses.

We respectfully request the Senate Committee on Ways and Means defer any further action on this measure.

Thank you for the opportunity to testify on this bill.



Date: April 6, 2015

Time: 9:05 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair

Re: Support with comments for HB 553 HD1 SD1 Relating to Collective Bargaining

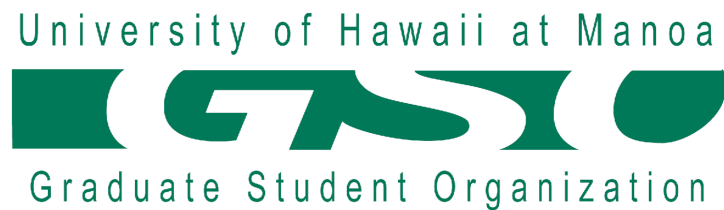
Thank you for the opportunity to testify in strong support of HB 553 HD1 SD1, which creates a new bargaining unit for graduate assistants of the University of Hawaii. My name is Michelle Tigchelaar, and I am writing on behalf and as the President of the University of Hawai'i at Mānoa (UHM) Graduate Student Organization (GSO). The GSO represents the approximately 5,000 graduate students at the UH Mānoa campus.

Graduate students critically contribute to the various missions of UH, by serving as Teaching Assistants for our undergraduate students, and working on world-class research projects as Research Assistants. Collectively these positions are known as Graduate Assistants (GAs). In spite of their critical role however, GAs at UH are poorly paid. In a 2012 survey conducted by the GSO, 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. The pay scale for graduate assistants is not regularly adjusted for inflation or increases in living expenses, and a review of the current payscale is not due until 2018. Furthermore, graduate students have little job security, since they are rehired on an annual, and sometimes even semesterly, basis. They also are not afforded sick days or family leave. GAs are thus in an extremely vulnerable position, with few options to raise grievances.

We are currently barred from our constitutional right to collective bargaining by Section 89-6 of the Hawaii Revised Statutes, which excludes all student help from coverage. This is however not reflective of the type of work that we (versus other types of student help) perform, and contrary to national trends. Since the late 1960s, many states around the country have extended public employee collective bargaining rights to GAs. In 2012, approximately 65,000 graduate student employees were organized at 28 institutions of higher education in the public sector, representing about one-fifth of all GAs.

HB 553 in its current amended state, not only grants bargaining rights to graduate students, but also creates a working group to determine whether graduate students

Graduate Student Organization • University of Hawai'i at Mānoa
Hemenway Hall 212 • 2445 Campus Road • Honolulu, HI 96822



should be included in existing bargaining unit (BU) 8, or added to a new BU 15. It would also determine specific bargaining rights and privileges for BU 15. While the working group might be helpful in determining the former, it is already clear what collective bargaining rights UH Mānoa graduate assistants would specifically aim to negotiate for:

- Regular and scheduled pay increases, e.g. 4% every 2-4 years
- Sick days, e.g. 5 per year
- Annual contracts (as opposed to semester-by-semester contracts) with an appropriate amount of notice for contract renewal
- Class sizes or research assignments in accordance with contractual workload (20 hours)
- An independent arbitration process to handle contract violations

Graduate assistants are *not* seeking to bargain for pension benefits or the right to strike. They are currently already receiving full tuition waivers, and presently have the same health benefits as offered to BU8.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the university's teaching work. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. The GSO therefore strongly supports HB 553.

Thank you for the opportunity to testify.

Michelle Tigchelaar
UH Mānoa Graduate Student Organization, President

Email: mtigch@hawaii.edu
Phone: (808) 724-1392

Date: Monday, April 6, 2015
Time: 9:05 AM
Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of HB 553 SD1 Relating to Collective Bargaining

My name is Lisa Miller and I am a PhD student in Computer Science at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 553 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

Graduate assistants at UH perform essential functions, such as teaching, research, and administration yet are paid poorly. In a 2012 survey conducted by the UHM Graduate Student Organization (GSO), 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. They also are not afforded sick days or family leave. As a result, sick graduate student employees risk being fired if they choose to stay home in order to avoid spreading illness to students.

I was initially accepted to graduate school at a U.S. top-10 university for Computer Science. After a year there I had to return home to Hawai'i due to family issues (I am a single mother). I easily got into the graduate program at UHM as their best applicant for the year. However, I've been hit with the double whammy of the high cost of living here versus the mainland, and a 30% cut in graduate assistant pay compared to my first school.

Now I find myself with a large amount of financial aid debt and will end up with a degree from a much lower-tier program on my resume. It is only because of my family situation that I stay at UHM. Otherwise, I would transfer to a mainland school, get paid more while in school, graduate with less debt, and most likely get paid more in my future career.

I am concerned for my future, the future of graduate education at UHM, and for the State of Hawaii due to the poor pay and working conditions for graduate students at UHM. The lack of labor protections at the University is just another reason that Hawaii continues to have a "brain drain" of our best, brightest young people and to struggle to attract and keep high tech industries.

Graduate students are an integral part of the UH system and the State of Hawaii's future. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore strongly support HB 553.

Respectfully submitted,
Lisa J. Miller
ljmiller@hawaii.edu

Date: Monday, April 6, 2015

Time: 9:05 AM

Place: Conference Room 211

To: Senate Ways and Means Committee

Senator Jill Tokuda, Chair

Senator Ronald D. Kouchi, Vice Chair

Re: Support of HB 553 SD1 Relating to Collective Bargaining

My name is Edward Hoogland and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 553 SD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

The right to organize used to be an honored one, not one taken for granted or carelessly written off based on age, occupation or number of hours worked. The belief that graduate students who are Teaching Assistants should not have the ability to organize because they are students is a false one premised on the idea that graduate students bring less value. The fact is that graduate students generate more income for universities than they cost. We are employees and we feel that we are not being paid a living wage. The University of Hawai'i at Mānoa employs about 1300 graduate students as teaching assistants. We depend on this income for survival and our wages have not kept up with increases in our costs of living. In the recent past, the university has taken the easier method of balancing the budget by keeping its TAs as casual labor with no right to appeal unjust release or uncompensated hours worked. Please help grant graduate students the ability to form unions and achieve collective bargaining rights so that they can potentially form a union and reach a fair collective agreement. We can wait no longer for the University of Hawai'i at Mānoa to do the right thing; they won't and they haven't. If disputes occur in the future, neutral mediators can arbitrate them. A more equal power relationship leads to better agreements, harmonious working conditions, and stability for graduate students and their families.

If we think of the employer-employee relationship like a marriage between equals, then the correct decision is clear: fair treatment through collective bargaining for honest work done on campus. In a marriage where only one person makes decisions by decree, we call it abusive. When will we stop the abuse of student teachers? Please support HB 553 SD1.

Respectfully submitted,
Edward Hoogland
EH30@hawaii.edu
(317) 997-0588

Date: Tuesday, March 17 2015

Time: 10:00 AM

Place: Conference Room 309

To: Senator Jill N. Tokua, Chair
Senator Ronald D. Kochi, Vice Chair

Re: Support of HB 553 HD1, SD1 Relating to the University of Hawaii

My name is Nicholas Chagnon, and I am a graduate student at UH Manoa. I work for the Women's Studies department as a graduate assistant; lecture as adjunct faculty for the Sociology Department; and serve as Co-Advocacy Chair for the Graduate Student Organization. I am writing in strong support of HB 553 to grant collective bargaining rights to graduate students employed by the University of Hawai'i.

The compensation scale for graduate assistants was increased every year from 1987/88 to 1992/93 and every three or four years between 1993/94 and 2003/2004. Policy set by President of the University of Hawai'i System has not scheduled the next review until 2018. The current minimum pay, \$17,500, is far below a living wage. It often forces graduate students to live in poverty conditions, affecting the quality of their work and the speed with which they are able to earn their degrees.

Graduate student employees are rehired each year, and sometimes each semester, many students are afraid to complain about being overworked and/or mistreated. Loss of employment midyear could be devastating as deadlines for financial assistance are either prior to the start of fall or early in the fall semester.

Graduate student employees have no say over insurance premiums. Our insurance premiums are higher than faculty yet constituting a more significant portion of our salary. Moreover, we are not afforded sick days or family leave. As a result, sick graduate student employees risk being fired if they choose to stay home in order to avoid spreading illness to students.

I have worked at the university for five years, as a teaching assistant, research assistant, and adjunct faculty. I have only once received a pay increase (a very small one) that was not the result of switching jobs. In fact, my net pay decreased several times due to increases in our insurance premiums. When I first came here, I lived in unsafe housing with poor wiring and could barely afford groceries. I often had to delay in buying staple foods such as milk and bread, because I could only afford to cover my rent at the time. Eventually, I was forced to take out student loans to supplement my income. Because of this, I face a student debt of over \$100,000 when I graduate. I would like to stay in Hawaii after graduation, and work to make this state a better place for all. However, I may not be able to considering the job opportunities here in relation to this debt that I will have to pay off each month. I am not the only graduate student in such a situation; there are many.

Our interest in collective bargaining does not only relate to pay. Being able to negotiate for pay increases is of course a major reason why we want to collectively bargain. However, we are also concerned with job security, workplace conditions and treatment, and having a say in how our benefits are structured. These are basic rights that other workers at UH have. There is no reason that the university should not have to grant them to us.

The only issue I have with this bill is the language relating to a working group to study the issue. A working group to study our needs is unnecessary. What we want out of this bill is clear and simple. We want the right to bargain for pay increases through arbitration, not strikes. We want a

say in what benefits we receive and how much they cost. We want some assurances of job security, for example minimum one-year contracts. We want protected avenues for raising grievances. Finally, we want some guaranteed sick leave. These are basic elements of collective bargaining agreements; there is no need to study such needs. Of course there are some nuances that must be considered and dealt with, but that is for the negotiating table, not a working group.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited.

Nicholas Chagnon
PhD candidate, UHM Sociology
Research Assistant, UHM Women's Studies
Advocacy co-chair, UHM Graduate Student Organization
chagnon@hawaii.edu
956-7464

Date: Monday, April 6, 2015

Time: 9:05 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means

Senator Jill Tokuda, Chair

Senator Ronald Kouchi, Vice Chair

Re: Support of HB 553 SD1 Relating to Collective Bargaining

My name is Tom Robinson and I am a former President and current Treasurer of the Graduate Student Organization. I ask for you to support HB553 for the following three reasons

1. The Graduate Assistants at the University of Hawai'i went without a pay increase for 10 years. Imagine a job with no pay increase for 10 years. Would that be acceptable anywhere? By passing this bill, the graduate assistants will be able to ensure that our pay scale doesn't go unnoticed by UH for a decade again.
2. Every time I go to campus, I tell my wife, "I'm going to work." While some in the university administration view graduate assistantships similar to an internship or apprenticeship, I assure you that it is not; an assistantship is a full time job with half time pay. As a graduate assistant, I help undergraduate students, perform my own research, and present my work at conferences on behalf of UH. I perform these duties independently and with very little oversight. I refer to my adviser as my boss and our relationship is similar to employer/employee. I've never shadowed him like an apprentice. I learned most of what I do either in class (as a student) or on my own (as part of my job).
3. This bill does not automatically create a graduate student union, so there will be no cost to the state or the university. Graduate students will still have to organize, overcome other legal hurdles, and figure out if a union is even reasonable or the best option. Unionization should be an option for a group of workers, so passing this bill is of the utmost importance.

Mahalo for considering my testimony,
Tom Robinson - GSO Treasurer
808-956-2571

Date: Friday, February 6, 2015
Time: 9:05 AM
Place: Conference Room 309

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of HB 553 SD1 Relating to Collective Bargaining

My name is Jonathan Dial, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am also Co-Chair of Advocacy for the Graduate Student Organization (GSO). I am writing in strong support of HB 553 SD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

As you are probably aware of by this point, graduate assistants are poorly compensated and are treated as second-class employees, regardless of the fact that we are employees of the state of Hawaii. While opposition to this bill has attempted to obfuscate the true intent of HB 553 by turning the discussion to confusing issues involving the implementation of a graduate student union, the real issue is whether or not the Hawaii Revised Statute 89-6 is unconstitutional in the way it bars state employees from the right to collective bargaining.

In response to the oppositional argument that graduate assistants are primarily students rather than employees and should thus not be allowed to collectively bargain, I frankly feel insulted by this claim from the University. As a graduate assistant, I am assigned to independently teach a course of eighty undergraduate students every semester. At only the resident tuition rate, this means that the course I teach brings in over \$256,000 in revenue to the University each semester. If we factored in out-of-state tuition rates (which many of my students pay), that number would be significantly higher.

The responsibilities attached to that assignment include overseeing other graduate assistants, preparing the framework for the course, giving lectures, grading papers and assignments, assisting students outside of the classroom, etc. Meeting those obligations takes about 30-40 hours per week, regardless of my contract, which only calls for 20 hours of work per week. If I were to limit myself to 20 hours, my students would go without much of the assistance they need in order to successfully pass the course and learn the material. Doing so would reflect poorly on myself, my department, and the University. Thus, it is not an acceptable option. To say that the work I do does not count as that of a "true" employee is simply untrue and dishonest.

Additionally, I would like to point out that oppositional arguments concerning the proper bargaining unit for graduate students is simply another attempt to draw your attention away from the intent of the bill. There is no doubt that graduate assistants fall under the purview of bargaining unit 8, and the creation of a new bargaining unit is clearly unnecessary. We are not seeking the right to strike, and we do not intend to join ERS. Additionally, we know exactly what we plan to bargain for, e.g. pay increase, better working conditions, and one-year contracts. Thus, the amendment calling for a working group/study is also clearly unnecessary and should be removed from the bill.

I have been personally involved with the efforts to support this bill over the past two years, and I believe that involvement has given me a perspective that is uncommon for graduate students. In discussions with University and community leaders, it has become apparent that there have been many attempts to win the right to collective bargaining for graduate students over several decades. Unfortunately, those attempts have all failed in the legislature, and the problems that are the source of these efforts have not been solved within the University structure.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. We are simply requesting that you allow us the right to collective bargaining guaranteed to all state employees by the State Constitution. Doing so would allow us to work within the University to improve our own situations.

By not allowing graduate students to unionize, a message is being sent that the Capitol is not concerned for the welfare of Hawai'i's upcoming professionals. Sending such a message is dangerous, as it discourages the growth of education, research, and professionalism in our great State. I encourage you to instead send a message that you do support the students of Hawai'ian Higher Education and are willing to assist us in our plight.

Respectfully submitted,

Jonathan Dial
Co-Chair of Advocacy, Graduate Student Organization
President, Graduate Student Sociological Association
Email: dialjonathan@gmail.com
(601) 954-6794

Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair
Committee on Ways and Means

Senate of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D Collins

Monday, April 6, 2015
Support H.B. 553, Relating to Collective Bargaining

My name is Lance D. Collins. I am an attorney in private practice. I strongly support this bill.

Graduate students perform the same work as other public employees who work for the University of Hawai'i. In most instances, this work is done with the same level of supervision or less as other public employees at the University of Hawai'i. The only difference between graduate student employees and others is that the graduate students have no protection from arbitrary and capricious employment decisions and often must suffer poor and sometimes illegal working conditions to maintain their employment.

Over the years, the University has stated that its purpose for graduate assistantships is to train and mentor graduate students for their professional careers. Taking collective action for the betterment of working conditions and collective bargaining should be included in that training. Being subject to arbitrary and capricious employment decisions and poor and abusive working conditions only trains graduate students to accept that such harmful conduct is a necessary component to academic life – when it, in fact, is not.

In 1968, the people of Hawai'i amended the Hawai'i State Constitution to provide public employees the right to collectively bargain. Article XIII, Section 2 of the Hawai'i State Constitution. Nevertheless, the implementing statute has been interpreted to exclude graduate students from the ambit of the public employee collective bargaining statute.

That interpretation exceeds the powers of the legislature and violates such a right. “[T]he framers [of the constitution] were not in favor of granting the legislature the ultimate power to deny the right to organize for the purpose of collectively bargaining.” *UPW v. Yogi*, 101 Haw. 46, 52 (2002)

In previous testimony this session, the attorney general opined that merely removing graduate assistants from the “student help” exclusion in HRS 89-6(f) is legal but that it be preferable to expressly include them in an existing bargaining unit or create a new bargaining unit. The university's day-to-day management of graduate assistants treats them for all relevant purposes already as members of Unit 8 and if HRS 89-6 were merely amended to eliminate graduate assistants from its exclusion, graduate assistants would be Unit 8 employees likely subject to a supplemental agreement. Adding them into a new bargaining unit would require a number of other modifications to statute including impasse and dispute resolution.

HRS 88-43 should also be amended to add language which expressly excludes graduate assistants from membership in the employee retirement system. Both the average age and length of service of graduate assistants together with the fact that most departments do not hire their own graduates to tenure track positions after graduation makes membership in the employee retirement system to be meaningless and any retirement benefits should be left to bargaining between the graduates students and management.

All other issues should be left to bargaining between the representative of the graduate students and management. There is little need to study these issues. Graduate students have been coming to the legislature for several decades seeking the power to bargain over wages, working conditions and other matters. Previous attempts were stopped by the suggestion of studying the matter further. No study has ever been conducted. It is unclear what value if any a study will have for the legislature since items for bargaining for present represented public employees are generally not listed in statute.

Mahalo.

Date: Monday, April 6, 2015

Time: 9:05 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of HB 553 SD1 Relating to Collective Bargaining

My name is Camila Ortega and I have been a graduate student at the University of Hawai'i at Mānoa (UHM) for five years. I am writing in strong support of HB553 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

We "graduate assistants" at UH perform essential functions, such as teaching and research, yet we paid poorly. On my first year, 2010 I was paid under 19,000 a year, even though I was teaching and researching (in addition to take courses). I was working over 60 hours a week, including the weekends. In a 2012 survey conducted by the UHM Graduate Student Organization (GSO), 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. Being this the main reason for us graduate assistants to request student loans. As a result by the end of my studies, I will owe over \$50,000 US dollars. The pay scale for graduate assistants has not been increased since 2003/2004. Furthermore, graduate students have little job security, since they are rehired each year, and sometimes each semester. They also are not afforded sick days or family leave. As a result, sick graduate student employees risk being fired if they choose to stay home in order to avoid spreading illness to students.

Even though we are doing a high skilled job, we are paid less than minimum wage in one of the most expensive states in United States. Monetary issues are one of the concerns graduate assistants have to deal with, which takes time out of our own studies, as we have to get second job, juggling multiple activities throughout the week in order to have a decent living.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore support HB 553.

Respectfully submitted,
Camila Ortega
8643468050

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB553 on Apr 6, 2015 09:05AM*
Date: Thursday, April 02, 2015 3:18:35 PM

HB553

Submitted on: 4/2/2015

Testimony for WAM on Apr 6, 2015 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: pwegesen@hawaii.edu
Subject: Submitted testimony for HB553 on Apr 6, 2015 09:05AM
Date: Saturday, April 04, 2015 8:08:44 PM

HB553

Submitted on: 4/4/2015

Testimony for WAM on Apr 6, 2015 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Pablo Wegesend	Individual	Support	No

Comments: I support the unionization of Graduate Assistants at UH! They deserve collective bargaining rights, as well as pay raises!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov